

### **R E M A R K S**

The present amendment is in response to the Official Action dated July 16, 2007, wherein the Examiner rejected pending claims 1-23. More specifically, the Examiner rejected claims 1, 6, 7, 10, 11, 15, 16 and 19-22 as being unpatentable over Raverdy et al., US Patent No. 6,957,217, in view of **alleged** admitted prior art (AAPA); claims 2-5, 13, 14 and 23 as being unpatentable over Raverdy et al., '217, and AAPA in view of Wade et al., US Patent No. 5,552,776; claims 8, 9, 17 and 18 as being unpatentable over Raverdy et al., '217, and AAPA in view of Fushiki et al., US Patent No. 6,433,704; and claim 12 as being unpatentable over Raverdy et al., '217, in view of Kruse et al., US Patent No. 6,684,279. However, contrary to the assertions of the Examiner, the claims are neither anticipated nor made obvious in view of the teachings of the references, either alone, or in combination, in so far as the references fail to make known or obvious each and every feature of the claims. Most notably, the combination of references cited by the Examiner and relied upon in support of the rejection, fail to make known or obvious presence information, as the same would be understood by one skilled in the art, or as more specifically provided for in the claims "user presence attribute information". Furthermore, the combination of references similarly fail to make known or obvious an associated user field identifying one or more users that have conditional access to user presence attribute information, as well as one or more associated access condition entries, which defines the conditions when the user presence attribute information is available to the corresponding one or more users.

As part of reopening prosecution the Examiner appears to acknowledge the noted deficiencies, relative to the cited references, but then relies upon alleged teachings in the background description of the present application, which the Examiner characterizes as admitted prior art, as making known the same. However, not everything the Examiner attempts to identify as admitted prior art can be fairly characterized as admitted prior art. Nor does the Examiner account for the contextual inconsistencies in attempting to relate the allegedly admitted prior art with the teachings, which can be found in the cited and relied upon references.

The applicant acknowledges that presence attributes are presently used as a way to define, manage and convey a user's relationship relative to a communication network, the same being noted in the background description. However, the applicant does **not** suggest that an ability to define access conditions relative to the presence attributes exist in the prior art, nor does the applicant suggest that the access conditions are associated with one or more users that

may be attempting to obtain the user present attributes. The Examiner is taking language in the background section out of context, and ignoring the fact that some of the background section is devoted to identifying deficiencies in the prior art, and what may be possible and desirable should a manner in which to overcome those deficiencies be developed.

As a result not only has the Examiner admitted that many of the claimed elements are neither taught nor suggested by the references relied upon by the Examiner, but then inappropriately suggests that the features are identified by the applicant as being part of the prior art. As noted above, contrary to the Examiner's suggestion, the prior art as defined by the background of the invention does not teach or suggest an ability to define access conditions relative to the presence attributes, nor is an association of the access conditions with one or more users identified in a user field made known or obvious by the discussed prior art.

In view of the fact that the alleged prior art as described in the background of the art section of the present application fails to in fact attribute the acknowledged missing features from the references to the prior art, the combination of references and teachings relied upon by the Examiner fail to make known or obvious each and every feature of the claims.

Correspondingly, the applicant would respectfully request that the Examiner reconsider the rejection of the claims.

Respectfully submitted,

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